

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILE	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
				ATTOMICE DOCKET NO.	
10/771,822	. 02/	/03/2004	Jack H. Cohen	3974	
7590 06/30/2005			EXAMINER		
JACK H. COI			HORTON, YVONNE MICHELE		
9995 Dover Cyn Rd				ART UNIT	PAPER NUMBER
Templeton, CA 93465				ARTONIT	FAFER NUMBER
				3635	
·			DATE MAILED: 06/30/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

· · · · · · · · · · · · · · · · · · ·		Application No.	Applicant(s)			
		10/771,822	JACK H. COHEN ET AL.			
	Office Action Summary	Examiner	Art Unit			
		Yvonne M. Horton	3635			
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
2a) <u></u> ☐	Responsive to communication(s) filed on <u>03 Fe</u> This action is FINAL . 2b) This Since this application is in condition for allower closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro				
Dispositi	ion of Claims					
5)□ 6)⊠ 7)⊠	Claim(s) <u>1-12</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdray Claim(s) is/are allowed. Claim(s) <u>1,2,5,11 and 12</u> is/are rejected. Claim(s) <u>3,4 and 6-10</u> is/are objected to. Claim(s) are subject to restriction and/or	vn from consideration.				
Applicati	on Papers					
9) ☐ The specification is objected to by the Examiner. 10) ☑ The drawing(s) filed on <u>03 February 2004</u> is/are: a) ☑ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority u	ınder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
2) D Notice 3) D Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	4) Interview Summary (Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:				

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,5,11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,988,595 to De VINCENT. De VINCENT discloses the use of a stake removal device including a stake holding means (30a) and a concrete pole connection means (24) whereby the device is attached to a pole. Regarding claim 2, the stake holding means includes a flexible loop (when 22 hooks). In reference to claim s 5 and 11, the loop is made form a flexible material. Regarding claim 12, the stake holding means ((30a) includes a slider tube (20,32) and treads (as at 45) and a sleeve tube.

Allowable Subject Matter

Claims 3,4 and 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

Application/Control Number: 10/771,822 Page 3

Art Unit: 3635

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yvonile M. Horton

Examiner Art Unit 3635

6/26/05